



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$195,434.92).

**MEETING DATE:** December 19, 2007 City Council Meeting

**PREPARED BY:** City Attorney's Office

**RECOMMENDED ACTION:** That the City Council approve for payment expenses incurred by outside Counsel/Consultants related to the Environmental Abatement litigation in the total amount of \$190,675.20, and various other cases being handled by Outside Counsel in the amount of \$4,759.72.

**BACKGROUND INFORMATION:** Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn and Miscellaneous Invoices for services incurred relative to the Environmental Abatement Program litigation and various other matters that are currently outstanding and need to be considered for payment.

<b>Folger Levin &amp; Kahn - Invoices Distribution</b>				Water Acct.
Matter No.	Invoice No.	Date	Description	Amount
8002	105294	09/30/07	M & P Investments	10,414.28
8002	105543	10/01/07	M & P Investments	41,513.87
	105298	11/26/07	Carol Langford, Expert Witness Retainer	5,500.00
			Processed 11/28/07	(5,500.00)
	7490	09/30/07	West Environmental Services	1,852.50
8001	105636	11/30/07	General Advice	1,243.08
8002	105619	11/30/07	M & P Investments	13,827.73
8003	105620	11/30/07	Hartford v. Col	805.90
8008	105621	11/30/07	Col v. Envision	120,720.06
			Less	(240.00)
<b>Total</b>				<b>\$190,137.42</b>

<b>Kronick Moskovitz Tiedemann &amp; Girard - Invoices Distribution</b>				
Matter No.	Invoice No.	Date	Description	100351.7323
11233.001	235946	11/25/07	General Advice	31.80
11233.026	235946	11/25/07	Lodi First v. City of Lodi	1,873.00
11233.027	235946	11/25/07	Citizens for Open Government v.	2,845.75
11233.028	235946	11/25/07	Personnel and Employment	131.68
			Credits/Overpayments	-122.51
<b>Total</b>				<b>4,759.72</b>

**APPROVED:**

  
Blair King, City Manager


**MISCELLANEOUS**

Invoice No.	Date	Description	Water Account Amount
SF-000026	7/11/2007	Capitol-San Francisco, LLC	537.78

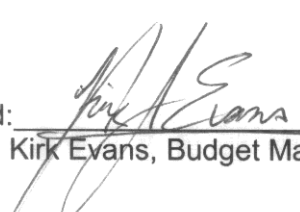
**FISCAL IMPACT:** Expenses in the amount of \$4,759.72 will be paid out of the General Fund and \$4,718.75 billed to Walmart for City's defense of the Lodi First litigation and Citizens for an Open Government. The remaining expenses will be paid out of the Water Fund.

**FUNDING AVAILABLE:**

Water Fund	\$190,675.20
General Fund	\$ 4,759.72

  
\_\_\_\_\_  
Stephen Schwabauer, City Attorney

Approved: \_\_\_\_\_

  
Kirk Evans, Budget Manager

**PCE/TCE Litigation**  
**6-Month Budget Recap (July - December 2007)**

**NOVEMBER**

<b>Matter</b>	<b>6-Month Budget</b>	<b>Opening Balance for 6-Month Budget</b>	<b>One Month Amount</b>	<b>Amount Billed November**</b>	<b>Variance from Monthly Amount</b>	<b>Remainder 6-Month Budget</b>	<b>Cumulative Billed In 6-Mo. Budget Period</b>
<b>1&amp;P, Related Cases includes matters 001,8002,8005</b>	6 513,000	\$ 448,785	\$ 85,500	\$15,071	-\$70,429	\$ 433,714	\$79,286
<b>Hartford Action 003</b>	6 300,000	\$ 123,195	\$ 50,000	\$806	-\$49,194	\$ 122,390	\$177,610
<b>Invision Claims 008</b>	\$ 670,000	\$ 498,230	\$ 111,667	\$120,720	\$9,053	\$ 377,510	\$292,490
<b>Totals</b>	<b>\$ 1,483,000</b>	<b>\$1,070,210</b>	<b>\$ 247,167</b>	<b>\$136,597</b>	<b>-\$110,570</b>	<b>\$933,613</b>	<b>\$549,387</b>

"Invoices dated December 6, 2007 for period November 1 through November 30, 2007.

20068\8001\534917.1